

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT KNOXVILLE

DAVID MILLER,  
Plaintiff,

v.

CITY OF KNOXVILLE,  
Defendant.

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No. 3:03-CV-574  
(Phillips)

**JUDGMENT ON DECISION BY THE COURT**

This case came before the court on the motion to dismiss by defendant City of Knoxville. The Honorable Thomas W. Phillips, United States District Judge, having rendered a decision on the defendant's motion,

**IT IS ORDERED AND ADJUDGED** that the plaintiff David Miller take nothing, that the action be **DISMISSED WITH PREJUDICE** on the merits, and that the defendant City of Knoxville, recover of the plaintiff David Miller its costs of action.

The final pretrial conference scheduled for February 26, 2007 and the trial scheduled for March 6, 2007 are **CANCELLED**.

Dated at Knoxville, Tennessee, this \_\_\_\_\_ day of August, 2006.

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s/ Patricia L. McNutt  
Clerk of Court